

TENNESSEE REGULATORY AUTHORITY

RECEIVED

Deborah Taylor Tate, Chairman
Pat Miller, Director
Sara Kyle, Director
Ron Jones, Director



2004 FEB 12 PM 1:30

460 James Robertson Parkway
Nashville, Tennessee 37243-0505
TRA DOCKET ROOM

February 10, 2004

Carl Wolf Bellek, Associate General Counsel
IDT America, Corp
520 Broad Street
Newark, New Jersey 07102-3111

RE Docket # 03-00529

Dear Mr Bellek

CLEC applicants are required, by statute, to demonstrate their managerial, financial and technical abilities to provide the services for which they seek authority. We are in receipt of your Data Responses filed on November 20, 2003, however, based on the application and these responses, the Staff has additional requests. To assist the Authority in its review of IDT's application for a Certificate of Convenience and Necessity to provide competing facilities-based local services in Tennessee, you are requested to provide the following information:

- 1 The Staff requested financials for the Applicant, IDT America, Corporation ("IDT") in a Data Request dated October 9, 2003, however, SEC Form 10-K for IDT Corporation ("IDT Corp"), the parent company, was provided on November 20, 2003 in response to the Data Request. Through the Sworn Testimony of James Courter filed with the Data Response on November 20, 2003 as Exhibit 3 and Staff's further conversation with Mr. Bellek on December 2, 2003, the Applicant indicated that it would provide a statement that IDT Corp would be responsible for any funding to IDT for the provision of competitive local exchange service in Tennessee. Please provide as soon as possible.
- 2 Question from previous Data Request filed October 9, 2003: Provide all complaints filed with state and federal regulatory agencies involving the IDT America Corporation or affiliated companies. Identify the nature of the complaint, which governmental agency or office received the complaint, and how the complaint was resolved? Applicant requested that this information not be provided in the Data Response of November 20, 2003, however, through conversation with Staff on December 2, 2003, Staff indicated that this was needed to process the application.
- 3 Question from previous Data Request filed October 9, 2004: The Pre-Filed Testimony filed in this Docket indicates that Winstar Communications, LLC's certification was revoked by the State of Tennessee and that Winstar is making efforts to regain certification. IDT's affiliate, Winstar Communications, LLC's certificate was cancelled for failing to file UD-16 Reports for 2001 and 2002 which resulted in non payment of inspection fees. We have not

received the report, payment for the fees or a new application for certification as of this date. Please explain what efforts are being made to regain certification including filing of the reports and payment of the fees. The response in the November 20, 2003 Data Response stated "Applicant has been informed by Winstar Communications, LLC that the appropriate filings are being prepared and are to be filed shortly with the Authority." The Authority has not received any filings or payment of fees as of this date from Winstar Communications, LLC.

- 4 The new bond was received and approved by our legal department January 9, 2004

Please provide this information by February 23, 2004. If you have any questions concerning this request or need additional information, please call Patsy Fulton at 615-741-2904 ext 193.

Sincerely,


Joe Werner
Telecommunications Chief

Cc Docket File